

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALYSSA HOPE IDZIAK, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RICK IDZIAK,

Respondent-Appellant.

UNPUBLISHED

April 17, 2007

No. 273706

Kalkaska Circuit Court

Family Division

LC No. 05-003704-NA

Before: Wilder, P.J., and Sawyer and Davis, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours Minors*, 459 Mich 624, 632; 593 NW2d 520 (1999). Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000). The trial court's decision is reviewed for clear error. *Id.* at 356-357.

The trial court did not clearly err in basing termination on MCL 712A.19b(3)(c)(i), (g), and (j).¹ The original petition's primary allegations were that respondent suffered from mental health and alcohol abuse problems, and was "ill equipped to handle stressors of parenting in

¹ The evidence may not have clearly and convincingly established that the "other conditions" of housing and employment had not been rectified by the time of the termination trial, but any error in basing termination on MCL 712A.19b(3)(c)(ii) was harmless considering that the trial court properly based termination of respondent's parental rights on other statutory grounds. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

addition to his psychological issues.” Although the adjudicating condition of alcohol abuse may no longer have existed by the time of the termination trial, the evidence clearly and convincingly demonstrated that respondent continued to struggle while parenting the child and coping with his psychological issues of low stress tolerance, anxiety, obsessive thinking, and depression. He may also have suffered from bipolar disorder or a narcissistic personality disorder.

After resettling in the Holland area and receiving significant support from his sister, respondent struggled to care for the child on his own while dealing with disappointments regarding housing or employment. For example, when respondent was anxious or depressed, respondent’s sister had doubts about sending the child on overnight visits. These doubts continued after the child was returned to respondent’s care and respondent started to isolate himself. Respondent’s sister also had the impression that respondent was having trouble adjusting to the realities of being a single parent. Finally, respondent’s decision to move away from Holland while leaving the child in his sister’s care showed his continued inability to properly provide for the child. Therefore, the adjudicating condition of mental health issues and a concomitant inability to handle the stressors of parenthood had not been rectified, and the child was at risk of harm if returned to respondent’s care.

There was also no reasonable likelihood that this adjudicating condition would be rectified, or respondent would be able to provide proper care, within a reasonable time considering the child’s age. The child was 21 months old at the time of the termination trial and in need of stability, and it was unlikely that respondent could provide such stability without long-term counseling. Unfortunately, respondent had not been consistent in his counseling. Admittedly, he faced serious stressors because his marriage unraveled and he worked hard to regain housing and employment. However, a child’s needs must be provided for even in stressful times and respondent’s psychological composition continued to prevent him from providing the effective and stable parenting the child needed.

Respondent mentions but does not develop a claim that his trial counsel provided ineffective assistance of counsel. This claim fails because respondent has not shown a reasonable probability that, but for counsel’s alleged error, the result of the proceeding would have been different. *Strickland v Washington*, 466 US 668, 694; 104 S Ct 2052; 80 L Ed 2d 674 (1984). The termination order was based on testimony from numerous witnesses who corroborated each other and which clearly and convincingly established the statutory grounds for termination.

Finally, the trial court did not clearly err with respect to its best interests determination. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. Although a bond existed between respondent and the child, and it would have been of great value for the child to know her father, respondent simply could not provide for the child’s care because of his psychological reaction to stressors, and the child was young and required a great deal of care.

Affirmed.

/s/ Kurtis T. Wilder
/s/ David H. Sawyer
/s/ Alton T. Davis